

## U.S. District Court Magistrate Judge J. Richard Creature

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT TACOMA

KERRY SMITH, ) CIVIL NO. C10-05522-JRC  
vs. )  
Plaintiff, ) ORDER REGARDING EQUAL  
MICHAEL J. ASTRUE, ) ACCESS TO JUSTICE ACT FEES  
Commissioner of Social Security, ) AND EXPENSES  
Defendant. )

This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local Magistrate Rule MJR 13. (See also Notice of Initial Assignment to a U.S. Magistrate Judge and Consent Form, ECF No. 4; Consent to Proceed Before a United States Magistrate Judge, ECF No. 10). This matter is before this Court on parties' Stipulated Motion for Award of EAJA Fees and Expenses. (ECF No. 23).

Based on the Stipulation of the parties, the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, and plaintiff's EAJA petition and attorney declaration (see ECF No. 24), it is hereby ORDERED that EAJA attorney fees of \$3,083.09 and expenses in the amount of \$17.13, shall be awarded to plaintiff pursuant to Astrue v. Ratliff, 130 S.Ct. 2521, 2524, 2010 U.S. LEXIS 4763 at \*\*\*6-\*\*\*7 (2010). If it is determined that plaintiff's EAJA fees and

1 expenses are not subject to any offset allowed under the Department of the Treasury's  
2 Offset Program, then the check for EAJA fees and expenses shall be made payable to  
3 Stephen A. Maddox, based on plaintiff's assignment of these amounts to plaintiff's  
4 attorney. Any check for EAJA fees and expenses shall be mailed to plaintiff's counsel,  
5 Stephen A. Maddox, at 410-A South Capitol Way, Olympia, WA 98501.

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10 DATED this 20th day of June, 2011.  
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J. Richard Creatura  
United States Magistrate Judge